Application No. 10/705,780 Amendment dated July 24, 2006 Reply to Office Action of April 24, 2006 Docket No.: 20050/0200474-US0

REMARKS/ARGUMENTS

Reconsideration of the application is respectfully requested.

I. Status of the Application

Claim 5 was previously canceled.

Claim 3 is canceled without prejudice or disclaimer.

Claims 17-19 are added without the introduction of new matter.

Claims 1, 4, 6 and 9 are amended without the introduction of new matter.

Claims 1, 2, 4 and 6-19 are currently pending.

II. Rejections under 35 U.S.C. §102

Claims 1, 2 and 6-11 were rejected under 35 U.S.C. §102(e) as anticipated by McFall et al. (U.S. Patent No. 6,183,587, herein "McFall"). Applicants respectfully traverse that rejection.

Claim 1 is directed to an interlabial pad and amended to incorporate features of previously presented claim 3. Amended claim 1 recites, among others, the features that:

an absorbent body for absorbing body liquid, the absorbent body being enclosed in the water permeable surface side sheet and the either the water permeable or water impermeable back side sheet, which are bonded together,

wherein said absorbent body includes a first absorbent body to form a protruding area projecting vertically towards a body side from a flat area extending along a substantial center line in a longitudinal direction of said interlabial pad and a second absorbent body to form said flat area having a substantial plane plate shape,

wherein said first absorbent body is folded in a mountain fold and enclosed in said protruding area, providing a hollow part on the garment side of said protruding area[.]

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Support for the additional recitation in amended claim 1 is found in the Specification at page

8, line 25 to page 9, line 9, and Figs. 4(b) and 4(c), for example. Also, it is noted, in response to the

Examiner's statement that claim 1 does not require first and second absorbent bodies enclosed

together between bonded surface side and back side sheets, claim 1 is amended to recite "the

absorbent body being enclosed in the water permeable surface side sheet and the either the water

permeable or water impermeable back side sheet, which are bonded together."

In the outstanding Office Action, the Examiner asserts that McFall discloses all of the

limitations recited in claim 1 except the features relating to the dimensions of the article. However,

in McFall, the longitudinally-oriented tube of absorbent material 22 and the base pad 24 are each

structured individually, enclosed in sheets respectively, and joined together as shown in Figs. 1 and

2. Accordingly, Applicants submit that McFall does not disclose that the absorbent body, which

includes the first absorbent body to form a protruding area and the second absorbent body to form a

flat area, is enclosed in the water permeable surface side sheet and either the water permeable or

water impermeable back side sheet, which are bonded together, as recited in amended claim 1.

Consequently, McFall does not disclose that the first absorbent body, which is included in the

absorbent body enclosed in the above-noted sheets that are bonded together, is folded in a mountain

fold and enclosed in the protruding area, providing a hollow part on the garment side of the

protruding area, as recited in amended claim 1.

Further, the Examiner states that "the only difference between the prior art and the claims

was a recitation of relative dimensions of the claimed device and a device having the claimed

relative dimensions would not perform differently than the prior art device, the claimed device was

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not patentably distinct from the prior art device." However, the formulas recited in claim 1 do not

only define the difference in dimension or proportion, but also a shape of the interlabial pad, which

spreads toward the bottom. See, Figs. 4(a)-(c), for example. Such shape of the interlabial pad

effectively prevents a leakage of body fluids. In contrast, as shown in Figs. 1 and 2 in McFall, the

protrusion in McFall (i.e., the longitudinally-oriented tube of absorbent material 22) slopes inward,

being folded inward at portions joined to the base pad 24. The inward slope of the protrusion forms

a space between the wearer and the sanitary napkin. Body fluids then leak into the space, causing a

leakage of body fluids.

Therefore, the present invention recited in amended claim 1 is patentably distinguishable

over McFall.

Claim 6 is amended to further distinguish over McFall. Amended claim 6 recites that the

interlabial pad further includes a second protruding area projecting vertically towards a garment

side, extending along the substantial center line in the longitudinal direction of the flat area, that the

second protruding area has a second flat area, and that the second flat area is affixed to and

overlapped by the flat area of the absorbent body. The Examiner asserts that the sanitary napkin in

McFall "comprises a second protruded area 36,38." However, in McFall, the outer lobes 36,38 are

enclosed in the top sheet 40 together with the central lobe 34, projecting vertically toward the body

side of a wearer, as shown in Figs. 1 and 2. The tube of absorbent material 22, which includes the

central lobe 34 and the outer lobes 36,38, is joined to the one side of the body surface 24A of the

base pad 24.

¹ See outstanding Office Action at page 4, the last four lines and page 5, the first two lines.

Therefore, McFall does not disclose that the interlabial pad includes a second protruding

area projecting vertically towards a garment side, extending along the substantial center line in the

longitudinal direction of the flat area, that the second protruding area has a second flat area, and that

the second flat area is affixed to and overlapped by the flat area of the absorbent body, as recited in

amended claim 6. Accordingly, the present invention recited in amended claim 6 is further

distinguishable over McFall.

Claim 9 is amended to clarify subject matter recited and further distinguishable over McFall.

Amended claim 9 recites that the interlabial pad further includes an adhesive portion for adhering

the interlabial pad to a wearer's genital area on the body side surface of said flat area. See, the

Specification, page 11, line 25 to page 12, line 5, and Figs. 8(a) and 8(b), for example.

The Examiner asserts that McFall discloses the embodiment where the wearer inserts her

hand in the absorbent. However, as shown in Figs. 39 and 40, such embodiment in McFall is

merely provided "to move the displaceable area [i.e., the embodiment] into closer proximity to the

space between the wearer's labia." McFall does not disclose that the interlabial pad includes an

adhesive portion for adhering the interlabial pad to a wearer's genital area on the body side surface

of said flat area, as recited in amended claim 9. Therefore, the present invention recited in amended

claim 9 is further distinguishable over McFall.

Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 1 and

claims 2 and 6-11 dependent therefrom based on McFall.

² See McFall at column 27, lines 15-19, for example.

III. Rejections under 35 U.S.C. §103

Claims 1-4 and 9-13 were rejected under 35 U.S.C. §103(a) as unpatentable over Johnson et

al. (U.S. Patent No. 4,595,392, herein "Johnson"). Further, claims 14-16 were rejected under 35

U.S.C. §103(a) as unpatentable over Johnson in view of Farris et al. (U.S. Patent No. 6,131,736,

herein "Farris"). The rejection of claim 3 is moot because claim 3 is canceled as noted above.

Applicants respectfully traverse the rejection of claims 1, 2, 4 and 9-13.

The Examiner states that "the only difference between the prior art and the claims was a

recitation of relative dimensions of the claimed device and a device having the claimed relative

dimensions would not perform differently than the prior art device, the claimed device was not

patentably distinct from the prior art device." However, as discussed above, the formulas recited in

claim 1 do not only define the difference in dimension or proportion, but also a shape of the

interlabial pad, which spreads toward the bottom. Such shape of the interlabial pad effectively

prevents leakage of body fluids.

In contrast, as shown in Fig. 2 and described at column 2, lines 36-41 in Johnson, the

protruded area in Johnson (i.e., the raised cylindroidal centrally disposed portion 3) slopes inward to

be "folded along fold line 2 with the inwardly folded faces secured to each other by adhesive

securement dots 4 or similar securement means." The inward slope of the protruded area forms a

space between the wearer and the interlabial pad. Body fluids then leak into the space, causing a

³ See outstanding Office Action at page 3, the last seven lines.

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leakage of body fluids. There is no suggestion to motivate one of ordinary skills in the art to modify

the shape of the interlabial pad in Johnson to the shape as recited in amended claim 1.

Therefore, the present invention recited in amended claim 1 is patentably distinguishable

over Johnson.

Claim 4 is amended to clarify subject matter recited and further distinguishable over

Johnson. Amended claim 4 recites that the interlabial pad includes a water permeable inner sheet,

that the inner sheet is provided on the garment side surface of the first absorbent body formed in a

folded shape, and that the inner sheet and the surface side sheet are bonded so as to enclose the first

absorbent body between the inner sheet and the surface side sheet. The inner sheet is shown, for

example, in Fig. 4(c), referred as 58.

In contrast, Johnson does not teach or suggest the interlabial pad having an inner sheet. In

Johnson, because the top sheet and the absorbent core are secured by adhesive securement dots 4 at

the bottom of the centrally disposed portion 3, secure adhesion would be prevented if an inner sheet

were added due to the force of the inner sheet to return to a flat state. Thus, one of ordinary skills in

the art would not be motivated to modify the invention of Johnson to add an inner sheet. Therefore,

the present invention recited in amended claim 4 is further distinguishable over Johnson.

Claim 9 is amended to clarify subject matter recited and further distinguishable over

Johnson. As discussed above, amended claim 9 recites that the interlabial pad further includes an

adhesive portion for adhering the interlabial pad to a wearer's genital area on the body side surface

of said flat area. The Examiner asserts that Johnson discloses the interlabial pad having a tacking

agent 4. However, as shown in Fig. 2 and described at column 2, lines 36-41 in Johnson, the

adhesive securement dots 4 are merely provided "to form a raised cylindroidal centrally disposed

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portion 3[,]" by bonding the inwardly folded faces to each other. Johnson does not teach or suggest

that the interlabial pad includes an adhesive portion for adhering the interlabial pad to a wearer's

genital area on the body side surface of said flat area, as recited in amended claim 9. Therefore, the

present invention recited in amended claim 9 is further distinguishable over Johnson.

Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 1 and

claims 2, 4 and 9-13 dependent therefrom based on Johnson.

Claims 14-16 and new claims 17-19 are allowable at least for the reasons advanced for

amended claim 1.

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CONCLUSION

In view of the above amendments, Applicants believe the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below once he has reviewed the proposed amendment if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

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Respectfully submitted,

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